



WAKEFIELD
REGIONAL COUNCIL

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LOCAL GOVERNMENT LAND AMENDMENT BY-LAW 2023

By-law No. 7 of 2023

A By-law to amend the Local Government Land By-Law of the Wakefield Regional Council to address matters raised by the Legislative Review Committee

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the '*Local Government Land Amendment By-law 2023*' and is By-law No. 7 of the Wakefield Regional Council.

2. Authorising Law

This By-law is made under sections 246 and 249 of the *Local Government Act 1999*.

3. Purpose

The objective of this By-law is to make minor amendments, as requested by the Legislative Review Committee and as set out in Part 2, to various provisions in the Council's Local Government Land By-law that was made by the Council on 29 June 2022 and published in the *Government Gazette* on 21 July 2022.

4. Commencement, Revocation and Expiry

4.1 Pursuant to section 249(6)(d) of the *Local Government Act 1999*, this By-law will take effect on the date that it is published in the *Government Gazette*.

4.2 This By-law will expire on 1 January 2030.

5. Interpretation

In this By-law, unless the contrary intention appears:

5.1 **Act** means the *Local Government Act 1999*;

5.2 **Council** means the Wakefield Regional Council; and

5.3 **LGL By-law** means the *Local Government Land By-law 2022* made by the Council on 29 June 2022 and published in the *Government Gazette* on 21 July 2022.

PART 2 – AMENDMENT TO LOCAL GOVERNMENT LAND BY-LAW

6. Amendment to 'Boats and Mooring' clause

As and from the date that this By-law takes effect the word 'bat' as it appears in subclause 9.9.3 of the LGL By-law is deleted and replaced with the word 'boat'.

7. Amendment to 'Donations' clause

As and from the date that this By-law takes effect, subclause 9.18 of the LGL By-law is deleted and substituted with the following:

9.18 Donations

Ask for or receive or indicate that the person desires a donation of money or any other thing.

8. Amendments to 'Overhanging articles' clause

As and from the date that this By-law takes effect, subclause 9.28 of the LGL By-law is deleted and substituted with the following:

9.28 Overhanging Articles

Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:

9.28.1 *present a nuisance or danger to a person using the land; or*

9.28.2 *cause an unsightly condition.*

9. Amendments to 'Toilets' clause

As and from the date that this By-law takes effect, clause 10.12.4 of the LGL By-law is deleted and substituted with the following:

10.12.4 *enter any public convenience (including toilets, showers, change rooms or similar facilities) unless the person is of the gender indicated in writing or on a sign located on that facility except:*

10.12.4.1 *in the case of a genuine emergency; or*

10.12.4.2 *where a vulnerable person is being assisted by the vulnerable person's caregiver, parent or guardian; or*

10.12.4.3 *if the person is intersex, transgender or gender diverse; or*

10.12.4.4 *if the person is a person with a disability; or*

10.12.4.5 *if the person is assisting a person with a disability.*

10. Amendments to 'Directions' clause

As and from the date that this By-law takes effect, subclause 11.2 of the LGL By-law is deleted and substituted with the following:

11.2 *A person who, in the opinion of an authorised person (acting reasonably), is likely to commit or has committed, a breach of this By-law must immediately comply with a reasonable direction of an authorised person to leave that part of Local Government land.*

This By-law was duly made and passed at a meeting of the Wakefield Regional Council held on **INSERT DATE** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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ANDREW MCDONALD
Chief Executive Officer